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REMARKS

After entry of the present Amendment, claims 4-6 and 10-18 are pending in the subject application, with claims 17 and 18 in independent form. Claims 4-6 and 13 are amended to depend from new independent claim 17, and claims 10-12 and 15 are amended to depend from new independent claim 18. Claims 1-3 and 7-9 are cancelled. Claims 17 and 18 are new.

New claim 17 is a combination of cancelled claims 1 and 3. Similarly, new claim 18 is a combination of cancelled claims 7 and 9. In both claims 17 and 18, one of the previously claimed organopolysiloxanes is eliminated. As such, both claims 17 and 18 are essentially of the same scope as cancelled claims 3 and 9, respectfully, albeit narrowed to more precisely define the invention.

Claims 1-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krammer et al. (US Pat. Pub. No. 2001/0021387).

Independent claim 17 is directed to an organopolysiloxane-modified polysaccharide prepared by a process comprising the step of esterification reacting (A) an organopolysiloxane having residual carboxylic anhydride groups and (B) a polysaccharide having hydroxyl groups. Independent claim 18 is directed to a process for the preparation of the organopolysiloxane-modified polysaccharide. The specific organopolysiloxanes claimed in independent claims 17 and 18 include either more than one residual carboxylic anhydride group or are branched in structure, as exemplified by the structures in independent claims 17 and 18.

There is no disclosure in Krammer et al. of the specific organopolysiloxanes that are claimed in independent claims 17 and 18. More specifically, Krammer et al. merely

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discloses linear organopolysiloxanes that include a terminal functional group that, in one embodiment, may be an acid anhydride. Krammer et al. makes no disclosure whatsoever of organopolysiloxanes including more than one residual carboxylic anhydride groups or organopolysiloxanes that are branched in structure. As such, the Applicants respectfully assert that any 35 U.S.C. § 102(b) rejections relying on Krammer et al. would be misplaced.

Further, the Applicants respectfully assert that any 35 U.S.C. § 103 rejections over Krammer et al. would be improper since there is no teaching or suggestion in Krammer et al. that other organopolysiloxanes would be suitable for the invention of Krammer et al. More specifically, Krammer et al. makes clear, starting on page 1 in paragraph [0016], that suitable organopolysiloxanes include a single acid anhydride group, when an acid anhydride group is even present, and that the organopolysiloxanes are all linear in structure. As such, it is clear that Krammer et al. does not disclose, teach, or suggest the specific organopolysiloxanes claimed in independent claims 17 and 18 of the present application, and any rejection of the present claims under 35 U.S.C. § 103 would be improper.

Since new claims 17 and 18 are essentially of the same scope as original claims 3 and 9, and since the Applicants have overcome the 35 U.S.C. § 102(b) rejections over Krammer et al., the Applicants respectfully assert that a final rejection of the present claims on different grounds or over new prior art would be improper. Further, no new search is required since any prior art that is relevant to new claims 17 and 18 would have been uncovered through prior searching relative to cancelled claims 3 and 9.

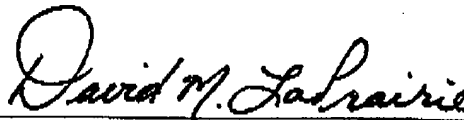
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In view of the remarks set forth above, the Applicants respectfully submit that independent claims 17 and 18 are in condition for allowance and respectfully request such allowance. Since the remaining dependent claims depend, either directly or indirectly, from independent claims 17 or 18, it is also respectfully asserted that the remaining dependent claims are also patentable over the prior art, and the Applicants also request allowance of those claims.

The Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C., for any fees or credit the account for any overpayment.

Respectfully submitted,

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